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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,105	12/04/2003	Hugues Cremer	DP-308260	7297

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER

ORDERS, CHRISTOPHER H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,105

Applicant(s)

HUGUES CREMER ET AL.

Examiner

Christopher H. Orders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>December 4, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. A reference appears in pg. 1, ln. 7. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to because the upper most recitation of element 32 (fig. 4) does not appear to properly reference the vertical rib. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as

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per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the recitation of “fuel pump (20)” (ln. 7) is presumed to be --fuel pump (12)-- to properly reference the drawings. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: The disclosure refers to the claims in pg. 1, ln. 23-25, which is impermissible.

Appropriate correction is required.

Claim Objections

5. Claims 2, 5, 7, and 13 are objected to because of the following informalities:

- The recitation of “connecting element (24) is horizontally arranged” (claim 2, ln. 2) is presumed to be --connecting element (24) is horizontally arranged such that the S-shaped cross-section is vertically oriented-- for proper clarity.
- Claim 5 is objected to because “first and second ribs” have antecedent basis in claim 4, from which this claim depends. However, if antecedent terminology were to be inserted, the claim would be improper in that claim 3 does not include the ribs. Examiner suggests splitting the claim up to avoid this problem.

- The recitation of “the preceding claim” (claim 7, ln. 1) is presumed to be --claim 6-- for proper clarity.
- The recitation of “element (20)” (claim 7, ln. 2) is presumed to be --element (24)-- to properly reference the drawings.
- The recitation of “the preceding claim” (claim 13, ln. 1) is presumed to be --claim 12-- for proper clarity.

Appropriate correction is required.

6. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

7. Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (5,482,444) in view of Sundstrom (5,764,498).

Coha et al. teach a vibration isolating fuel pump assembly comprising: a stationary support (22) to be mounted in a fuel tank (12); an inner retainer (62) fitted in said stationary support (22), said inner retainer (62) having a retainer body (64) and at least two flexible legs (46A, 46B) extending substantially vertically and connected to said retainer body (64), the upper ends of said flexible legs (64A, 64B) being firmly supported by said stationary support (22) in the upper part thereof (col. 2, ln. 57-61); and a fuel pump (12) received in said retainer body (64); and characterised in that each flexible leg (46A, 46B) has its lower end connected to said retainer body (64) via a resilient connecting element (74A, 74B, 74C) which is horizontally arranged (see fig. 2);

Coha et al. do not expressly teach that the resilient connecting element (74A, 74B, 74C) have a generally S-shape profile; and said S-shaped connecting element has: an interior portion on the periphery of said retainer body; an exterior portion connecting to the respective leg; and a central portion extending between opposite edges of said interior and exterior portions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the S-shaped connecting means of Sundstrom with the fuel pump mount of Cocha et al. for the benefit of an alternate connecting means with resilient compliance in the x, y, and z directions (Sundstrom col. 2, ln. 1-5).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cocha et al. (5,482,444) and Sundstrom (5,764,498) as applied to claim 3 above, and further in view of Weber (4,752,058).

Coha et al. and Sundstrom teach many of the claim limitations including a connecting means (74A, 74B, 74C) but do not expressly teach that said interior portion (bound by 8b) has, on its side facing the exterior portion (bound by 8a), a first rib; and said exterior portion (bound by 8a) has, on its side facing the interior portion (bound by 8b), a second rib coinciding with that of the interior portion (bound by 8b) in such a way that when said S-shaped element (8) is compressed, said ribs come into abutment against said central portion (8e) in face-to-face relationship. However, Weber teach that a connecting means (10) with an interior portion (12) has, on its side facing the exterior portion (11), a first rib (45); and said exterior portion (11) has, on its side facing the interior portion (12), a second rib (45) coinciding with that of the interior portion (12) in such a way that when the element (10) is compressed, said ribs (45) come into abutment against said central portion (40) in face-to-face relationship. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the ribs of Weber with the fuel pump mount of Coha et al. in view of Sundstrom for the benefit of protecting the connecting element against crushing (Weber col. 4, ln. 33-38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Orders whose telephone number is (571) 272-7163. The examiner can normally be reached on Monday-Friday, 7:30am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHO


CHERYL TYLER
SUPERVISORY PATENT EXAMINER